

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

BENNY JOE LOGHRY,

Plaintiff,

vs.

NEBRASKA MEDICINE, THE NEBRASKA  
MEDICAL CENTER, UNMC PHYSICIANS,  
and SARA M. PUTNAM, M.D.,

Defendants.

**8:23CV79**

**ORDER**

Before the Court is the parties' Joint Motion and Application to the Court for Approval of Settlement Claims ([Filing No. 86](#)), pursuant to the Nebraska Hospital-Medical Liability Act, [Neb. Rev. Stat. § 44-2801](#)

et seq. The Settlement Agreement and Release (the "Settlement Agreement"). The State of Nebraska Excess Liability Fund ("the Fund") is a party to the proposed settlement agreement and joins this motion.

Plaintiff Benny Joe Loghry ("Plaintiff") injured his right lower leg on February 8, 2022, resulting in a Tri malleolar fracture and Lisfranc fracture in a fall from a flatbed trailer. Following Plaintiff's fall on February 8, 2022, Plaintiff was treated for his injuries by Defendant Nebraska Medicine, a Nebraska not-for-profit corporation ("NebMed"); Defendant The Nebraska Medical Center, a Nebraska not-for-profit corporation ("TNMC"); Defendant UNMC Physicians, a Nebraska not-for-profit corporation ("UNMCP"); and Defendant Sara M. Putnam, M.D. ("Dr. Putnam" and together with NebMed, TNMC and UNMCP, are each individually referred to herein as, a "Defendant" and collectively as, the "Defendants"), including a surgical procedure performed by Dr. Putnam on February 11,

2022, at NebMed. Plaintiff developed complications from such treatment which ultimately resulted in the amputation of Plaintiff's right leg below the knee.

As a result of these complications, Plaintiff brought a civil action alleging negligence by Defendants on March 2, 2023. Following extensive discovery and successful mediation, the parties entered into the Settlement Agreement. The parties jointly filed the present motion and application on July 11, 2025, "pursuant to [Neb. Rev. Stat. § 44-2833](#)" and requested a hearing and approval of the Settlement Agreement.

Because the settlement in this case involves the Fund, [Neb. Rev. Stat. §§ 44-2833\(5\)](#) and (6) require the Court to "set the matter for trial," review the relevant evidence, and "determine whether or not the settlement should be approved." Accordingly, the Court held a hearing on July 28, 2025. At the hearing the Court reviewed the submissions from the parties, including the Settlement Agreement. Based on that review, the Court found the Settlement Agreement is fair and reasonable for all parties, complies with the Act, and should be approved. Therefore,

IT IS ORDERED:

1. The parties' Joint Motion for Approval of Confidential Settlement ([Filing No. 86](#)) is granted.
2. The Settlement Agreement ([Filing No. 89](#)) is approved.
3. The Fund is authorized and directed to pay Plaintiff its portion of the agreed upon settlement amount.
4. Within thirty (30) days of this Order, the parties shall file an appropriate stipulation dismissing the case.

Dated this 15th day of August, 2025.

BY THE COURT:

s/ Joseph F. Bataillon  
Senior United States District Judge